UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
JAMI, HARES

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
04/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 January 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,3-20,25 and 27-36*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/John Breene/
Supervisory Patent Examiner, Art Unit 2162

/JEAN B. FLEURANTIN/
Primary Examiner, Art Unit 2162

Continuation of 11. does NOT place the application in condition for allowance because:

The previous Advisory Action mailed on 02/13/2008 has been vacated, and this Advisory Action is in response to the after final amendments filed on 01/28/2008.

The argument regarding the specification objection has been accepted; therefore, prior specification objection has been withdrawn.

The argument regarding the USC 112, second paragraph rejection has been accepted; therefore, prior 112 second paragraph rejection has been withdrawn.

The argrument regarding USC 103 rejection has been considered but is not persuasive.

In response to the Applicants' argument that "Singh cannot teach creating segments of the hit-list by grouping the resources by one of the attribute dimension…Singh merely discloses displaying summary statistics relating to 'authors' and the like…and not to attribute dimension. Therefore, Singh fails to create segments of the hit-list by grouping the resources by one of the attribute dimensions" as recited by newly amended claims 1 and 25 (page 15 last paragraph through page 16 first paragraph, Remark), the Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Applicants attack the Sing reference individually for failing to teach said limitations. However, said limitations are taught by the combination of Siefert in view of Singh. Note that the limitation of "creating segments of the hit-list by grouping the resources by one of the attribute dimensions" meaning that grouping the resources by the attribute dimension generates segments of the hit-list. Basically, segments of hit-list are groups of the resources. Siefert in the combination of Siefert in view of Singh discloses "grouping of the resources according to the fixed categories or a search call, which is an attribute entered by a user (see col. 12, lines 25-29, Siefert)" implying the creating of a segment hit list by grouping of the resource according to a categories of a search call (search call is an attribute entered by the user). On the other hand, Singh discloses displaying the search results in different segments showing the numbers (i.e., statistics) of the "titles" and "authors" (i.e., "attributes"), the number of hit for attributes of "title" and "author" (i.e., statistics) is an attribute dimension according to the definition of "attribute dimension" in the specification (See [0155]-[0161] and [0287]-[0293] in which search results page have different segments for different type of information, such as statistics or numbers of hits, and links, Singh). The displayed hit numbers associated with different segments of the results page, such as author or titles are statistics for different segments of search hits. Therefore, the combination of Siefert in view of Singh teaches the limitation of "creating segments of the hit-list by grouping the resources by one of the attribute dimensions and displaying statistics associated with the segments", as required by claim 1.

The Applicants further argue that Singh fails to teach the limitation of "receiving a selection of segments through the user interface; and providing a narrowed hit-list by selecting one or more resources from the selected segments", as recited by newly amended claims 1 and 25, the Examiner respectfully disagrees. Siefert in the combination of Siefert in view of Singh teaches the limitation of receiving the selections of segments of resources [categories of resources] that user can select (see Fig. 19, Siefert); and Singh discloses providing a narrowed the hit-list by selecting a range of a group (see [0163], Singh). Therefore, the combination of Siefert in view of Singh teach the limitation of "receiving a selection of segments through the user interface; and providing a narrowed hit-list by selecting one or more resources from the selected segments", as recited by newly amended claims 1 and 25.

Regarding the Applicants arguments that the prior art does not teach the limitation of "storing the hit-list as a collection of resources that is used for further actions or stored as a persistent collection", as recited by claim 4, and using the language of implying (i.e., inherently discloses) in the Office Action is improper (page 16 third paragraph through page 17, first paragraph, Remark), the Examiner respectfully disagrees.

Siefert in the combination of Siefert in view of Singh discloses in col. 11, lines 10-17 in conjunction with Fig. 12-13 that when a user actuates a "retrieve" button the resources are retrieved from the search hit-list of Fig. 12. It is a basic knowledge in the art that the function of "retrieving" is fetching the stored data meaning that data has to be stored prior to retrieving. The action of storing the search results containing resources occur before retrieving the resources of search results. Therefore, Siefert implicitly disclose storing the hit-list containing the resources that can be later retrieved for further actions by a user. Further more, Singh, in [0509], discloses storing the retrieved objects (hit-lists) in a repository, which can be retrieved and used later by the users.

Regarding the Applicants arguments that the prior art does not teach the limitation of "using the hit list to create a community", as recited by claim 19, and the specification defines a "community is a group of people with sharing a common interest, skill or other attributes", the Examiner respectfully disagrees.

Singh discloses that the system maintains the found materials across query session, which are hit-list and merge them with earlier found material, and collaborative tools allow the users within the Dome system to share data; the Dome system is connecting users to materials, such as books authors, which is an attributes (See [0509] and [0488], Singh). Therefore, sharing the found materials having attributes such, "title" and "author" between users by using collaborative tools creates a community of the Dome users to share their resources. Therefore, the combination of Siefert in view of Singh the limitation of "using the hit list to create a community", as recited by claim 19.